

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

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DEPARTMENT OF THE TREASURY
U.S. Customs Service

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
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of the United States Court of Customs and
Excise and the United States
Customs Court

NOTICE

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U.S. Customs Service

(T.D. 74-280)

Tariff classification

Micropaque

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

A notice was published in the Federal Register of August 7, 1974 (39 FR 28448) that the United States Customs Service was reviewing the existing uniform and established practice of classifying Micropaque, a barium sulfate product used in obtaining roentgenograms, which contains a benzenoid sweetener, under the provision for other drugs, including synthetic drugs, in item 439.50, Tariff Schedules of the United States (TSUS).

On review of all the evidence submitted, and in the light of Headnote 1, Part 1C, Schedule 4, TSUS, defining benzenoid chemical products, the Customs Service is of the opinion that Micropaque is classifiable under the provision for mixtures in whole or in part of any of the (benzenoid) products provided for in this subpart (c), in item 409.00, TSUS.

Since this ruling will result in the assessment of duties at a rate higher than that previously assessed on Micropaque, the higher rate will be applied only to such merchandise as may be entered, or withdrawn from warehouse, for consumption after the expiration of 90 days after the date of the publication of this notice in the weekly Customs Bulletin.

(CLA-2:R:C:V)

VERNON D. ACREE,
Commissioner of Customs.

Approved October 21, 1974:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[Published in the Federal Register November 1, 1974 (39 FR 38677)]

(T.D. 74-281)

Instruments of international traffic

Certain plastic trays used for the transportation of bread designated as instruments of international traffic

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 30, 1974.

Under the authority of section 10.41a, Customs Regulations (19 C.F.R. 10.41a), steel wire baskets with open mesh bottom and sides and steel dollies with rubber wheels, used for the transportation of bread, were designated as instruments of international traffic by Treasury Decision 72-149, dated May 30, 1972.

It has been established to the satisfaction of the U.S. Customs Service that plastic trays used by Karnes Kitchen Ltd., Canada, for the transportation of bakery products, are substantial, suitable for and capable of repeated use, and used in significant numbers in international traffic. The trays are 22" by 6" by 26½" and are marked with the name of the manufacturer, Ekco Products, Dawson Spring, Kentucky, the patent number, 3392875, and the name of the company for which they were manufactured.

Treasury Decision 72-149 is amended to designate the above-described plastic trays as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These trays may be released without Customs entry or payment of duty under the procedures provided for in section 10.41a, Customs Regulations.

(BOR-7-07)

VERNON D. ACREE,
Commissioner of Customs.

[Published in the Federal Register November 5, 1974 (39 FR 39061)]

(T. D. 74-282)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C. October 23, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR Part 159, Subpart C).

Hong Kong dollar :

October 14, 1974.....	Holiday
October 15-18, 1974.....	\$0.1975

Iran rial :

October 14, 1974.....	Holiday
October 15-18, 1974.....	\$0. 0149

Philippines peso :

October 14, 1974.....	Holiday
October 15, 1974.....	\$0. 1490
October 16, 1974.....	. 1479
October 17, 1974.....	. 1510
October 18, 1974.....	. 1485

Singapore dollar :

October 14, 1974.....	Holiday
October 15, 1974.....	\$0. 4125
October 16, 1974.....	. 4140
October 17, 1974.....	. 4125
October 18, 1974.....	. 4135

Thailand baht (tical) :

October 14, 1974.....	Holiday
October 15-18, 1974.....	\$0. 0495

(LIQ-3-O:D:T)

R. N. MARRA,
Director,
Duty Assessment Division.

ERRATUM

T.D. 74-254 published in Customs Bulletin No. 42, dated October 16, 1974, was printed incorrectly in the Federal Register of October 7, 1974 (39 FR 36034). A correction was published by the Federal Register on October 18, 1974 (39 FR 37218).

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Nils A. Boe

Judges

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Morgan Ford
Scovel Richardson
Frederick Landis

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Charles D. Lawrence
David J. Wilson
Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, *October 21, 1974.*

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Per. or Item No. and Rate	Per. or Item No. and Rate	Per. or Item No. and Rate	Per. or Item No. and Rate		
P74/703	Boe, C. J. October 16, 1974	Ohio Bag Corp.	73-12-03387	Item 706.40 29%	Item 774.60 8.5%			Adolec Trading Co. et al. v. U.S. (C.D. 4487)	New York Plastic shopping bags
P74/709	Richardson, J. October 16, 1974	National Silver Company	67/8234	Item 651.75 28%, 37%, 27.5%, 21.0%	Item 651.75 .014 ea. plus 12.5%			Import Associates of America et al. v. U.S. (C.A.D. 981)	Los Angeles Flatware sets
P74/800	Richardson, J. October 16, 1974	Ross Products, Inc.	64/23443, etc.	Item 653.40 19%	Item 654.40 11.5%			Ross Products, Inc. v. U.S. (C.A.D. 994) U.S. v. L. Batlin & Son, Inc. (C.A.D. 1111)	San Diego Electric bird cages, etc.
P74/801	Watson, J. October 16, 1974	The American Import Co.	67/73690, etc.	Item 748.20 28%	Item 774.60 17%			Armabee Corporation et al. v. U.S. (C.D. 273) Zunold Trading Corporation et al. v. U.S. (C.D. 274) First American Artificial Flowers, Inc. v. U.S. (C.D. 4185) Joseph Markovitz, Inc. v. U.S. (C.D. 4398)	Philadelphia Artificial flowers, etc.
P74/802	Mallett, J. October 16, 1974	The Florsheim Shoe Company	72-2-01523	Item 121.30 10% or 9.5%	Item 121.57 7% or 6%			Florsheim Shoe Company, Division of Interco, Inc. v. U.S. (C.D. 4495)	Chicago Buffalo calf leather

CUSTOMS COURT

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P74/803	Maletz, J. October 16, 1974	Florsheim Shoes Co., Div. of Interphoto Corpora- tion, et al.	72-11-02311, etc.	Item 121.30 9.5% or 9%	Item 121.57 8% or 5%	Florsheim Shoes Company, Division of Interco, Inc. v. U.S. (C.D. 4495)	Chicago Buffalo calf leather
P74/804	Ford, J. October 17, 1974	Consolidated Merchandis- ing Corp. et al.	67-56880, etc.	Item 684.70 15% or 13%	Item 685.22 12.5% Item 685.35 11%	General Electric Company v. U.S. (C.D. 3887, aff'd C.A.D. 1021)	New York Earphones
P74/805	Richardson, J. October 17, 1974	General Instrument Cor- poration	72-2-00325, etc.	Item 687.60 12.5%, 11% or 10% without allowance under item 807.00	Item 687.60/807.00 12.5%, 11% or 10%; cost or value of the U.S. compo- nents (items marked "A") deductible from full value of imported merchandise	General Instrument Corpora- tion v. U.S. (C.D.'s 4408, 4470)	New York American goods returned (diodes and other semi- conductor devices)
P74/806	Watson, J. October 17, 1974	Pacific Coast Commercial, Inc.	67-6235, etc.	Item 748.30 28%	Item 774.00 17%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunold Trading Corpora- tion et al. v. U.S. (C.D. 3279) First American Artificial Flowers, Inc. v. U.S. (C.D. 4363) Joseph Markovits, Inc. v. U.S. (C.D. 4360)	Los Angeles Artificial flowers, etc.

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74/867	Watson, J. October 17, 1974	United China & Glas Co.	66/54667, etc.	Item 748.20 28%	Item 774.60 17%			Arabee Corporation et al. v. U.S. (C.D. 878) Zunold Trading Corpora- tion et al. v. U.S. (C.D. 3279) First American Artificial Flowers, Inc. v. U.S. (C.D. 4195) Joseph Markovits, Inc. v. U.S. (C.D. 4360)	New Orleans Artificial flowers, etc.
P74/868	Newman, J. October 17, 1974	Mobilette, Inc.	67/27303, etc.	Item 633.40 or 633.39 19%	Liquidations void; protests prena- ture and dis- missed; entries returned to regional coun- missioner for appropriate administrative action			Mobilette, Inc. v. U.S. (C.D. 4478)	New York Fluorescent and high intensity lamps and bulbs imported together (test entitlement)

F74/809	Newman, J. October 17, 1974	Moblite, Inc.	70/1470, etc.	Item 653.39 19%	Liquidations void; protests re- mature and dis- missed; entries returned to regional commissioner for appropriate administrative action. Item 727.35 10.5%	Moblite, Inc. v. U.S. (C.D. 4178)	New York Fluorescent and high in- tensity lamps and bulbs imported together (not entireties)
F74/810	Newman, J. October 17, 1974	Seaway Importing Co.	70/58769, etc.	Item 506.97 10 3/4%	Item 727.35 10.5%	The American Import Co. et al. v. U.S. (C.D. 4807)	San Francisco Gun racks

Decisions of the United States Customs Court

Abstracts *Abstracted Reappraisal Decision*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R74256	Be, J. October 17, 1974	The Beton Co., Inc., et al.	R58/1287, etc.	Export value: Net ap- praised value less 7 1/4%, not packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood

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U.S. Customs Service

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Instruments of international traffic ; certain plastic trays designated as... 74-281

Tariff classification ; micropaque ; other drugs, including synthetic drugs,
item 439.50, TSUS..... 74-280



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WYOMING
COUNTY OF LINCOLN

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